

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
VALDOSTA DIVISION**

**BENJAMIN McGEE,**

Plaintiff,

v.

**Officer McCRAY, Officer RYAN LONG,  
Officer MIKE MORRIS, Officer JESSIE  
PALMER, Lt. LARRY BYRD, and Officer  
McBRIDE,**

Defendants.

Civil Action 7:10-CV-126 (HL)

**ORDER**

This case is before the Court on a Recommendation from United States Magistrate Judge Thomas Q. Langstaff (Doc. 5), entered on November 8, 2010. The Magistrate Judge recommends that Defendants Byrd, McCray, McBride, and Long be dismissed from this action.

In response to the Recommendation, Plaintiff filed a Motion to Compel Discovery in which he states that Defendants Byrd, McCray, McBride, and Long have “a very particular connection. I feel that these 4 defendants should be questioned as witnesses due to inadmissible evidence relating to the crime at issue in the case. I wish to file motion to compel discovery.” (Doc. 8).

In light of Plaintiff’s *pro se* status, the Court will liberally construe the Motion to Compel Discovery and consider it as an objection to the Recommendation. The Court has made a *de novo* review of the Recommendation, and after careful consideration, the Court accepts and adopts the findings, conclusions, and

recommendations of the Magistrate Judge (Doc. 5). Defendants Byrd, McCray, McBride, and Long are dismissed from this action.<sup>1</sup>

Further, Plaintiff's Motion to Compel Discovery (Doc. 8) is denied as premature. As set out in the Recommendation, Plaintiff may not commence discovery until an answer or dispositive motion has been filed on behalf of the Defendants, neither of which has occurred in this case. Plaintiff is advised to review closely the section of the Recommendation relating to discovery.

**SO ORDERED**, this the 7<sup>th</sup> day of December, 2010.

**s/ Hugh Lawson**  
**HUGH LAWSON, SENIOR JUDGE**

mbh

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<sup>1</sup>Plaintiff has also filed two memoranda in support of his complaint (Docs. 9 and 10). Neither of these pleadings addresses the Recommendation to dismiss Defendants Byrd, McBride, Long, or McCray.